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10/586,115	07/14/2006	Donald H. Eason	USS-CollarClamp-USNP	3822
33549 7590 09/18/2008 SANTANGELO LAW OFFICES, P.C. 125 SOUTH HOWES, THIRD FLOOR FORT COLLINS, CO 80521			EXAMINER GARCIA, ERNESTO	
			ART UNIT 3679	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/586,115	Applicant(s) EASON, DONALD H.	
	Examiner ERNESTO GARCIA	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 7, 19 and 22-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-18, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/14/06; 10/31/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Restriction and Election of Species

REQUIREMENT FOR UNITY OF INVENTION

As provided in 37 CFR 1.475(a), a national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention"). Where a group of inventions is claimed in a national stage application, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

The determination whether a group of inventions is so linked as to form a single general inventive concept shall be made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim. See 37 CFR 1.475(e).

When Claims Are Directed to Multiple Categories of Inventions:

As provided in 37 CFR 1.475(b), a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:

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(1)A product and a process specially adapted for the manufacture of said product; or

(2)A product and process of use of said product; or

(3)A product, a process specially adapted for the manufacture of the said product, and a use of the said product; or

(4)A process and an apparatus or means specifically designed for carrying out the said process; or

(5)A product, a process specially adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the said process.

Otherwise, unity of invention might not be present. See 37 CFR 1.475(c).

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-22, drawn to a retention apparatus.

Group II, claims 23-41, drawn to a method.

The groups of inventions listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

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Groups I and II lack unity of invention because even though the inventions of these groups require the technical feature of “the relative motion obstruction element comprises at least one projection and at least one recess” (claim 1, lines 25-26), this technical feature is not a special technical feature as it does not make a contribution over the prior art in view of Hampel, 4,397,088. This is an assessment of the prior art with respect to the independent claims, which provides no unity of invention since the “special technical features”, common in each of the independent claims, is known. Applicant should note that the lack of unity is based on a *posteriori* and the special technical features, common to all species, do not define a contribution over the prior.

The examiner has required restriction between product and process claims.

Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder. All claims directed to a nonelected process invention must require all the limitations of an allowable product claim for that process invention to be rejoined.

In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103 and 112. Until all claims to the elected product are found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowable product claim will not be rejoined. See MPEP § 821.04(b). Additionally, in order to retain the right to rejoinder in accordance with the

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above policy, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product claims. **Failure to do so may result in a loss of the right to rejoinder.** Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

Further, this application contains claims directed to more than one species of the retention apparatus. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

- I. Figures 1, 3, 5, and 6
- II. Figures 2 and 4

Note that Figure 7 is generic to both species.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise require all the limitations of an allowed generic claim. Currently, the following claim(s) are generic: claim 1.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

Species I lacks the annular gap filler. Species II lacks a first element sized to engage directly with the compression sleeve element 2.

During a telephone conversation with Alfred Wiedmann on September 8, 2008 a provisional election was made without traverse to prosecute the invention of Group I, and species I, claims 1-6, 8-18, 20, and 21. Affirmation of this election must be made by applicant in replying to this Office action. Claims 7, 19, and 22 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

With regards to the withdrawal of claims 7, 19, and 22, these claims are not readable upon the elected species. The elected species does not have a post projecting outwardly from the larger elongated member 8, an annular gap filler 19, and a support apparatus.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because these are informal drawings. Applicant is advised to employ the

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services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

The drawings are objected to because the use of brackets should not be associated with reference characters. This occurs to reference characters "1", "7", and "5" in Figure 1, "3", "16, and "19" in Figure 2, and "9" and "10" in Figure 6. These reference characters should be followed by a lead line or a lead line with an arrow to depict the part as a whole. Further, solid black shading is not permitted and should be deleted. It is unclear why reference character "22" in Figure 2 is shown with hidden lead lines. Are the arrows to which reference characters "22" point not visible due to obstruction? Note that hidden lines are only used to depict something hidden, an axis, or motion. Further, the drawings should not be enclosed in a box. Figure 3 also requires cross-hatching. The tubes in Figure 6 should not be shown in phantom unless they are hidden from view. Further, the cross-section shown in Figure 3 is incorrect since the larger elongated member is shown shorter, i.e., the larger elongate member terminates below the projection 4 when Figure 1 shows the pipe continues beyond recess 21 and would have extended next to the clearance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "3" and "16" have both been used to designate the same part in Figure 2.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "13" and "14" have both been used to designate the same part in Figure 3.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "4" has been used to designate both a projection and a recess in Figure 2.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "3" has been used to designate both a nut, a screw, and lugs in Figure 7.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement

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sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure. The language should avoid using phrases, which can be implied, such as, "The disclosure concerns", "The disclosure defined by this invention", "The disclosure describes", "Disclosed is", "The inventive technology may retate [relate] to", etc. Accordingly, the abstract is objected.

The specification is objected for the following reasons:

on page 6, line 1, the description of reference character "25" as being a nut is incorrect since part "25" is not a nut; and,

on page 4, line 11, "(1&)" needs correction as there is no reference character "(1&)" in the drawings.

Claim Objections

Claims 1, 14, and 18 are objected to because of the following informalities:

regarding claim 1, "it" in line 12 should be defined and "compression" in line 18 should be --retention--;

regarding claim 14, "characteristic" in line 2 should be deleted since a dimension is inherently a characteristic; and,

regarding claim 18, "it" in line 3 should be defined. Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18, 20, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the metes and bounds of the claim is unclear. In particular, it is unclear whether the first elongated member and the larger elongated member are

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part of the retention apparatus since lines 3-4 inferentially states that the compression sleeve element is "adapted to at least partially surround a first portion of a first elongated member and a second portion of a larger elongated member", which indicates that fist member and the larger elongated member are not claimed. However, lines 9-11 and 22-24 further limit the first elongated member and the larger elongated member as if they were part of the retention apparatus. Accordingly, are the first the elongated member and the larger elongated member part of the claimed apparatus or not. Appropriate correction, clarification, or both is required. For examination, the examiner has considered the elongated member and the larger elongated member as apart of the retention apparatus.

Regarding claim 14, the recitation that the first elongated member compression surface has a dimension that is less than the dimension of the larger elongated member compression surface is redundant since the use of the term "larger" elongated member compression surface inherently provides the first elongated member compression surface being shorter than the larger elongated member compression surface.

Regarding claim 15-18, the metes and bounds of the claims is unclear. In particular, these claims fail to further limit the structure of the retention apparatus and do not server to structurally distinguish over the prior art. Note that patentability is based on the structural differences and not how the apparatus operates.

Regarding claim 16, the recitation “a bolt of said compression enhancement element” in lines 2-3 makes unclear whether the bolt is part of the retention apparatus.

Regarding claim 17, the recitation “a lever of said compression enhancement element” in lines 2-3 makes unclear whether the lever is part of the retention apparatus.

Regarding claim 18, it is unclear whether the nut and bolt are part of the retentions apparatus. If so, it would be unclear whether the nut and the bolt are part of the compression enhancement element or separate components from that of the compression enhancement element.

Regarding claim 21, based on the rejection of claim 1 and the elongated members being treated with the retention apparatus in claim 1, this claim is redundant since the retention apparatus includes the elongated members. Accordingly, the subject matter fails to further limits the retention apparatus.

Regarding claims 2-6, 8-13, and 20, the claims depend from claim 1 and therefore are indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 10-17, 20, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hampel., 4,397,088.

Regarding claim 1, Hampel discloses, in Figure 2, a retention apparatus comprising a first elongated member **20**, a larger elongated member **18**, a compression sleeve element **40**, and a compression enhancement element **48**. The compression sleeve element **48** can be adapted to at least partially surround a first portion of the first elongated member **20** and a second portion of the larger elongated member **18**. A third portion of the first elongated member **20** is nested in at least a fourth portion of the larger elongated member **18**. The compression sleeve element has a first elongated member compression surface **A1** (see marked-up attachment) and a larger elongated member compression surface **A2**. The third portion of the first elongated member **20** has a first longitudinal axis and the at least a fourth portion of the larger elongated member **18** has a second longitudinal axis. The compression enhancement element **18** is established so that, upon activation, the compression enhancement element **18** forces the larger elongated member compression surface towards the larger elongated

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member **18**, and the first elongated member compression surface is forced towards a site on the first elongated member **20** that is not within the larger elongated member **18**. The retention apparatus further comprises a relative motion obstruction element **34, 36**. The third portion of the first elongated member **20** and the at least a fourth portion of the larger elongated member **18** are substantially coaxial. The at least a fourth portion of the larger elongated member **18** is hollow. The relative motion obstruction element **34, 36** comprises at least one projection **46** and at least one recess **34**. The compression sleeve element **40** is separated along at least one split from a first elongated member proximate edge of the compression sleeve element to a larger elongated member proximate edge of the compression sleeve element **40**.

The compression sleeve element is able to be perpendicularly displaced and able to be perpendicularly removed, relative to the second longitudinal axis, from the first elongated member and the larger elongated member upon deactivation of and effective disengagement of the compression enhancement element. Further, obstruction element **34, 36** can be adapted to prevent only axial and rotational motion of the compression sleeve element relative to the larger elongated member.

Regarding claim 2, the at least one split is parallel to the first longitudinal axis.

Regarding claim 3, the at least one split is two splits.

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Regarding claim 4, each of the two splits is parallel to the first longitudinal axis.

Regarding claim 5, the at least one recess **34** is a hole established in the larger elongated member **18**.

Regarding claim 6, the at least one projection **46** is a post **46** projecting inwardly from the compression sleeve element **40**.

Regarding claim 10, the compression enhancement element **34, 36** is at least partially integral with the compression sleeve element **40**.

Regarding claim 11, the third portion of the first elongated member **20** has an outer surface sized to fit substantially against an inner surface of the at least a fourth portion of the larger elongated member **18**.

Regarding claim 12, the compression sleeve element **34, 36** is radially displaceable and radially removable.

Regarding claim 13, each the first elongated member **20**, and the larger elongated member **18** is hollow.

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Regarding claim 14, the first elongated member compression surface has a characteristic dimension that is less than a characteristic dimension of the larger elongated member compression surface.

Regarding claim 15, effective disengagement of the compression enhancement element comprises local displacement of the compression enhancement element.

Regarding claim 16, the deactivation of the compression enhancement element is achieved upon loosening the compression enhancement element comprising a bolt.

Regarding claim 17, the deactivation of the compression enhancement element is achieved upon operation of the compression enhancement element comprising a lever (the head of the bolt).

Regarding claim 20, the larger elongated member compression surface and the first elongated compression surface each directly contact one of the elongated members.

Regarding claim 21, the retention apparatus already comprises the elongated members.

Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Liao, 5,738,326.

Regarding claim 1, Liao discloses, in Figure 3, a retention apparatus comprising a first elongated member **22**, a larger elongated member **20**, a compression sleeve element **31**, and a compression enhancement element **48**. The compression sleeve element **48** can be adapted to at least partially surround a first portion of the first elongated member **22** and a second portion of the larger elongated member **20**. A third portion of the first elongated member **22** is nested in at least a fourth portion of the larger elongated member **20**. The compression sleeve element has a first elongated member compression surface **341'** and a larger elongated member compression surface **35'**. The third portion of the first elongated member **22** has a first longitudinal axis and the at least a fourth portion of the larger elongated member **20** has a second longitudinal axis. The compression enhancement element **20** is established so that, upon activation, the compression enhancement element **20** forces the larger elongated member compression surface towards the larger elongated member **20**, and the first elongated member compression surface is forced towards a site on the first elongated member **22** that is not within the larger elongated member **20**. The retention apparatus further comprises a relative motion obstruction element **40, 211**. The third portion of the first elongated member **22** and the at least a fourth portion of the larger elongated member **20** are substantially coaxial. The at least a fourth portion of the larger elongated member **20** is hollow. The relative motion obstruction element **40, 211**

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comprises at least one projection **40** and at least one recess **211**. The compression sleeve element **31** is separated along at least one split from a first elongated member proximate edge of the compression sleeve element to a larger elongated member proximate edge of the compression sleeve element **31**.

The compression sleeve element is able to be perpendicularly displaced and able to be perpendicularly removed, relative to the second longitudinal axis, from the first elongated member and the larger elongated member upon deactivation of and effective disengagement of the compression enhancement element. Further, obstruction element **40, 211** can be adapted to prevent only axial and rotational motion of the compression sleeve element relative to the larger elongated member.

Regarding claim 9, as best understood, the compression sleeve element **31** is shaped to provide a clearance between the first elongated compression surface **341'** and the larger elongated member compression surface **35'** (note that the clearance is the groove making up part of the thread).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hampel, 4,397,088, in view of Chen, 6,557,878.

Regarding claim 8, Hampel, as discussed, fails to disclose the compression enhancement element being a clamp having an eccentric cam. Chen teaches, between Figures 1 and 3, a compression enhancement element being a clamp 50 having an eccentric cam 60 to compress a sleeve in the alternative. Therefore, as taught by Chen, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the enhancement element into a clamp having an eccentric cam to compress the sleeve of Hampel.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hampel, 4,397,088.

Regarding claim 18, as best understood, Hampel, as discussed, discloses the compression element comprising a bolt. However, Hampel fails to disclose the compression element further comprising a nut. Applicant is reminded that the use of a nut instead of a thread on the sleeve is an obvious modification since one can place a nut in a hole of the sleeve to fasten with the bolt for fastening. Therefore, as taught by Hampel, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to provide a nut to fasten to the bolt to make a connection instead of utilizing a thread hole in the sleeve.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Furrer, 3,495,853, shows a similar compression element.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30AM-6:00PM. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/E. G./

Examiner, Art Unit 3679

September 16, 2008

Attachment: one marked-up page of Hampel, 4,397,088

/Daniel P. Stodola/
Supervisory Patent Examiner, Art Unit 3679

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Hampel, 4,397,088

